

# State of South Dakota

## SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

229J0112

### HOUSE ENGROSSED NO. **HB 1203** - 01/29/2004

Introduced by: Representatives O'Brien, Haverly, Hennies, Kraus, McCaulley, Michels, Murschel, Sebert, and Smidt and Senators Abdallah, Bogue, Brown, de Hueck, Diedrich (Larry), Duniphan, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding threats upon law  
2 enforcement officers and their families.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-11-15.1 be amended to read as follows:

5 22-11-15.1. Any person who knowingly and intentionally deposits for conveyance in the  
6 mail or for a delivery from any post office or by any messenger, any letter, paper, writing, print,  
7 or document containing any threat to take the life of or to inflict serious bodily harm upon a law  
8 enforcement officer of the state or a member of ~~his~~ the officer's immediate family is guilty of  
9 a Class 5 felony. However, if any such threat is made which otherwise would constitute a  
10 violation of § 22-11-4 or 22-18-1.1, the provisions of such sections ~~shall be~~ are controlling and  
11 the penalties provided ~~therein shall~~ in § 22-11-4 or 22-18-1.1 apply.

12 Section 2. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Any person who knowingly and intentionally communicates any threat not subject to § 22-  
15 11-15.1 to take the life of or to inflict serious bodily harm upon a law enforcement officer of the



1 state or a member of the officer's family, is guilty of a Class 1 misdemeanor. However, if any  
2 such threat is made which otherwise would constitute a violation of § 22-11-4 or 22-18-1.1, the  
3 provisions of such sections are controlling and the penalties provided in § 22-11-4 or 22-18-1.1  
4 apply.